



PREPROPOSAL STATEMENT OF INQUIRY

(RCW 34.05.310)

CR-101 (7/22/01)

Do **NOT** use for expedited rule making

Agency: Department of Agriculture

Subject of possible rule making: The department will propose amendments to WAC 16-200-715 (Fertilizer label information) to implement chapter 15, Laws of 2003 (HB 1117), which unanimously passed the 2003 Legislature and was signed by Governor Locke April 16, 2003. HB 1117 amends RCW 15.54.340(f) and is effective on January 1, 2004.

(a) Statutes authorizing the agency to adopt rules on this subject: Chapter 15.54 RCW and Chapter 34.05 RCW

(b) Reasons why rules on this subject may be needed and what they might accomplish: Chapter 15, Laws of 2003 (HB 1117) amends RCW 15.54.340(f) by requiring the department to adopt, in rule, a statement on a fertilizer label referring people to the department's Uniform Resource Location (URL or web address) where data regarding the metals content of the product is located. Before HB 1117 was enacted, the department's URL was contained RCW 15.54.340(f); now it must be in rule. The department intends to propose for adoption the three options that are currently in RCW 15.54.340(f) with the only change being the citation of the new URL. In addition, the department is considering adopting a fourth option that would cite the Association of American Plant Food Control Official's (AAPFCO) website, which in turn would direct persons to the department's website. Language allowing this fourth option has been tentatively adopted by the AAPFCO and will be voted on in early August for permanent adoption. In order to mitigate any potential adverse economic impact of these new label requirements upon the regulated industry, the department's proposed amendments will allow industry to continue to use the URL currently in RCW 15.54.340(f) until July 1, 2006.

(c) Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:
None

(d) Process for developing new rule (check all that apply):

- ☐ Negotiated rule making
☐ Pilot rule making
☐ Agency study

X Other (describe) Proposed rule amendments to WAC 16-200-715 will be development by department staff and will be sent to the department's Fertilizer Advisory Committee and other interested parties for review and comment. When the CR 102 is filed, interested parties will be able to submit comments during the public comment period and will be able to participate in the public hearing process.

(e) How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:

(List names, addresses, telephone, fax numbers of persons to contact; describe meetings, other exchanges of information, etc.)

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DATE

June 18, 2003